

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JASON MORTON,

Plaintiff,

vs.

Case No. 11-cv-12925
HON. GEORGE CARAM STEEH

CITY OF DETROIT,

Defendant.

_____/

ORDER FOLLOWING SHOW CAUSE SUBMISSIONS

On June 12, 2013, the court issued an order denying the plaintiff's motion for declaratory judgment and ordering plaintiff to show cause why this action should not be dismissed (Doc. # 38). Central to that order was the court's inquiry of whether the plaintiff's settlement of a state court lawsuit against City of Detroit officers involved in the incident giving rise to the instant lawsuit had impacted the viability of this suit. In his response filed June 25, 2013, plaintiff stated that he had "declined to dismiss his claim against the City of Detroit itself. That claim remains live, well and ready for disposition with this Honorable Court, as do other claims with other potential plaintiffs that have yet to be filed with any court. Morton is only a named plaintiff." (Doc. # 39 at 4.)

In reply, the City of Detroit attached a copy of the release executed by the plaintiff in November 2012 in connection with his state court action. That document specifically "releases the City of Detroit, a Michigan municipal corporation....from any and all liability, actions or claims, legal and equitable, known and unknown, arising or accruing at any time prior to and through the date of this Release...." (Doc. 41-2 at 2.)

The document then explicitly references any claims which might have been a part of Morton's suit against the individual Detroit police officers.

The court cannot comprehend how this release could not have been a part of the plaintiff's response to its order to show cause, let alone how the plaintiff could represent that the instant case "remains live, well and ready for disposition with this Honorable Court...." However, the court also notes that the defendant City of Detroit has asked for neither sanctions nor dismissal in its papers.

Accordingly, the court hereby admonishes the plaintiff that this matter will be dismissed on July 19, 2013, unless prior to that date the plaintiff is able to demonstrate to the court's satisfaction that his claims in this matter remain extant.

IT IS SO ORDERED.

Dated: July 10, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on July 10, 2013, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk